

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

SALVADOR CASTILLO, III  
Plaintiff,

v.

WILLIAM H. CRABEL,  
Defendant.

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SA-14-CA-613-OLG (HJB)

**DEFENDANT’S EMERGENCY ADVISORY TO THE COURT REGARDING PLAINTIFF’S  
RECENT FILING OF HIS SECOND AMENDED PETITION, WITH EXHIBIT, UNDER SEAL**

TO THE HON. HENRY J. BEMPORAD, UNITED STATES MAGISTRATE JUDGE:

Defendant/Counter Plaintiff, WILLIAM H. CRABEL (“Crabel”), files this Advisory to Court and respectfully notifies the Court as follows:

1. Plaintiff Salvador Castillo, III (“Castillo”) filed an Unopposed Motion to Seal Plaintiff’s Second Amended Complaint (“Complaint”) on January 20, 2015.

2. Plaintiff’s counsel did not confer with Defendant’s counsel regarding whether Plaintiff’s Complaint should be filed under seal. Defendant believes the honorable judge explained during a hearing on December 3, 2014, that the Court generally does not allow for pleadings to be filed under seal unless there were extraordinary circumstances. The Court also ruled in its December 4, 2014 Order that “[c]ounsel for both parties are reminded of their responsibility not to sign, file, submit, or advocate any document for an improper purpose.”

3. Defendant objects to Plaintiff’s disclosure of Defendant’s confidential, privileged information in Plaintiff’s pleading and it is Defendant’s position that such disclosure is in contravention of the Court’s previous Orders.

4. Given the Confidentiality and Nondisclosure Agreement in place as a result of the

Court's December 29, 2014 Order, and the confidential, privileged information that is being inappropriately disclosed in Plaintiff's Complaint Defendant objects to such information being placed in the public domain. Release of this information will cause Defendant irreparable harm.

5. Defendant respectfully requests the Court hold in abeyance Plaintiff's Unopposed Motion for Leave to File Document Under Seal and its exhibit until an agreement can be reached between the parties, or up until the Court can make a finding as to the conduct of the Plaintiff.

6. Defendant will make attempts to resolve this matter with Plaintiff's counsel directly; however, if a resolution is not reached, Defendant will file appropriate motions promptly with this Court.

Respectfully submitted,

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/s/ Sylvia A. Cardona  
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ATTORNEYS FOR DEFENDANT AND  
COUNTER PLAINTIFF

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been served upon the following counsel of record in accordance with the Federal Rules of Civil Procedure on this 21<sup>st</sup> day of January, 2015.

MARTIN, CUKJATI AND TOM, L.L.P.

Via: NEF

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ATTORNEYS FOR PLAINTIFF

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*/s/ Sylvia A. Cardona*

SYLVIA A. CARDONA